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ATTORNEY'S DOCKET NO.: MED03-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Charles D. Lennox
Serial No.: 10/758,687
For: METHOD AND APPARATUS FOR MANAGING TEMPERATURE
IN A PATIENT
Filing Date: January 15, 2004
Examiner: Unassigned
Art Unit: 3743

Certificate of Mailing Under 37 C.F.R. §1.8

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Date: June 24, 2004

By: Eileen M. Woodbury

(Typed or printed name of person mailing
Document, whose signature appears below)

Signature: Eileen M Woodbury

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

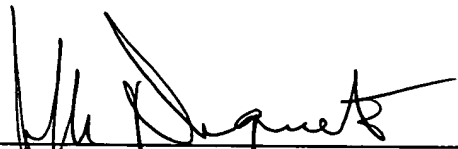
Enclosed is/are:

- [x] Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- [x] Information Disclosure Statement, Total Pages: 3;
- [x] PTO-1449 Form, Total Pages: 2;
- [x] A Copy of the cited references are enclosed except for those which qualify under 37 CFR 1.98(a)(2)(i), Total Hard Copy(ies) Provided: 10;
- [x] Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;
- [x] Authorization to charge Deposit Account No. 50-0901, if required.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

By: 

Jeffrey J. Duquette, Esq.
U.S.P.T.O. Registration No.: 45,487
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Telephone: (508) 366-9600
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Attorney Docket No.: MED03-12

Dated: June 24, 2004



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Signature: Eileen M Woodbury

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or (If IDS filed as first/second submission after Final Rejection);

☒ under 37 CFR 1.97(b), or (If IDS Filed within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last);

- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
 - ☐ a \$180.00 fee under 37 CFR 1.17(p), or (If filed after the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
 - ☐ a Petition under 37 CFR 1.97(d)(2), and
 - ☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i). (If IDS filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
 - ☐ Applicant requests that the attached IDS and cited reference(s) be placed in the application filewrapper. (If IDS filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is Form PTO-1449:

☒ Copy of the cited references are enclosed except for those which qualify under 37 CFR 1.98(a)(2)(i).

☐ Copy of cited references are enclosed except those entered in a prior application, having U.S. Serial No. _____, and references that are not required to be submitted under 37 CFR 1.98.

☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

[X] Pursuant to the Official Gazette Notice of August 5, 2003 the requirement under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication is waived for all U.S. national patent applications filed after June 30, 2003.

Concise Explanation Requirement (required for non-English references):

- [] The "concise explanation" requirement for reference(s) under 37 CFR 1.98(a)(3) is satisfied by:
- [] the explanation provided on the attached sheet.
 - [] the explanation provided in the Specification.
 - [] submission of the enclosed International Search Report.
 - [] the enclosed English language abstract.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- [X] No fee is required for this Information Disclosure Statement.
- [] Enclosed is a check for \$180.00, which covers the Information Disclosure Fee.
- [] A copy of this Statement is enclosed.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

Respectfully submitted,

By: 

Jeffrey J. Duquette, Esq.
U.S.P.T.O. Registration No.: 45,487
Attorney for Applicant
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Facsimile: (508) 616-9805

Attorney Docket No.: MED03-12

Dated: June 24, 2004

PTO-1449 REPRODUCED

**INFORMATION DISCLOSURE CITATION
IN AN APPLICATION**

(Use several sheets if necessary)

ATTORNEY DOCKET NO.

MED03-12

APPLICATION SERIAL NO.

10/758,687

APPLICANT

Charles D. Lennox

FILING DATE

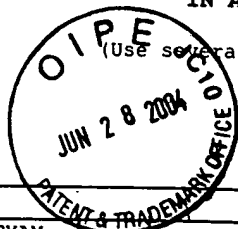
January 15, 2004

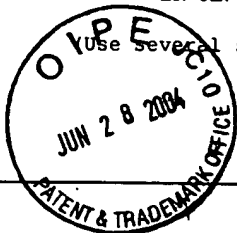
GROUP

3743

U.S. PATENT DOCUMENTS

EXAM- INER INI- TIAL	DOCUMENT NUMBER	DATE mm/dd/yy	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
AA	3,064,649	11/20/62	R.L. Fuson	128	214	
AB	3,640,340	02/08/72	Leonard, et al.	165	166	
AC	3,982,535	09/28/76	Bahrton	128	214E	
AD	3,998,222	12/21/76	Shihata	128	214R	
AE	4,075,091	02/21/78	Bellhouse	210	19	
AF	4,181,132	01/01/80	Parks	128	399	
AG	4,298,006	11/03/81	Parks	128	399	
AH	4,747,826	05/31/88	Sassano	604	52	
AI	5,383,854	01/24/95	Safar, et al.	604	98	
AJ	5,486,208	01/23/96	Ginsburg	607	106	
AK	5,624,392	04/29/97	Saab	604	43	
AL	5,662,127	09/02/97	De Vaughn	128	765	
AM	5,843,112	12/01/98	De Vaughn	606	181	
AN	5,968,009	10/19/99	Simán	604	43	
AO	6,106,497	08/22/00	Wang	604	122	
AP	6,149,670	11/21/00	Worthen, et al.	607	3	
AQ	6,156,007	12/5/00	Ash	604	113	
AR	6,368,304 B1	04/09/02	Aliberto, et al.	604	113	
AS	6,379,378 B1	04/30/02	Werneth, et al.	607	105	
AT	2002/0085952 A1	07/04/02	Ellingboe, et al.	422	45	
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AV	6,458,150 B1	10/01/02	Evans, et al.	607	105	
AW	6,460,544 B1	10/8/02	Worthen	128	898	
AX	2003/0135152 A1	07/17/03	Kollar, et al.	604	35	
AY	6,626,857 B1	09/30/03	Ohta, et al.	604	6.13	
AZ	6,726,710 B2	04/27/04	Worthen, et al.	607	105	
EXAMINER			DATE CONSIDERED			



PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				ATTORNEY DOCKET NO. MED03-12		APPLICATION SERIAL NO. 10/758,687	
				APPLICANT Charles D. Lennox			
				FILING DATE January 15, 2004		GROUP 3743	
U. S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL	DOCUMENT NUMBER	DATE mm/dd/yy	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE	
BA	6,736,790	05/18/04	Barbut, et al.	604	6.13		
BB	4,894,164	01/16/90	Polaschegg	210	646		
BC	2002/0198579	12/26/02	Khanna	607	105		
BD	6,660,026	12/9/03	Lanard, et al.	607	104		
BE	6,623,514 B1	9/23/03	Chin	607	105		
BF	6,217,582 B1	4/17/01	Slocum	606	87		
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
BG	W. Behringer, et al., "Veno-Venous Extracorporeal Blood Shunt Cooling To Induce Mild Hypothermia In Dog Experiments And Review Of Cooling Methods", Resuscitation 54 (2002), pg. 89-97.						
BH	Piepgras, et al., "Rapid Active Internal Core Cooling for Induction of Moderate Hypothermia in Head Injury by Use of an Extracorporeal Heat Exchanger", Neurosurgery Online, February 1998, Volume 42, Number 2. http://www.neurosurgery-online.com . Visited November 24, 2003.						
BI	Alsus, A New Degree of Care, The Fortius Catheter, http://www.alsus.com/us/fortius.htm . Visited November 24, 2003.						
BJ	Hachimi-Idrissi, et al., "Mild Hypothermia Induced by a Helmet Device: A Clinical Feasibility Study", Resuscitation 51:275 (2001).						
BK	Ommaya, et al., "Direct Extravascular Brain Cooling in the Normothermic Animal", Neurology 12:882 (1962).						
BL	Tooley, et al., "Significant Selective Head Cooling can be Maintained Long-Term After Global Hypoxia Ischemia in Newborn Piglets", Pediatrics, Vol. 109, No. 4, pp. 643-649, April 2002.						
BM	Javid, et al., "Hypothermic Ventricular Perfusion: Evaluation of Use in Cerebrovascular Occlusion, New York State Journal of Medicine", pp. 248-251, January 5, 1967.						
BN	Tooley, et al., "Head Cooling with Mild Systemic Hypothermia in Anesthetized Piglets is Neuroprotective", Annals of Neurology, Vol. 53, No. 1, pp. 65-72, January 2002						
BO	White, M.D., "Cerebral Hypothermia and Circulatory Arrest: Review and Commentary", Mayo Clin. Proc. 53:450 (1978).						
BP	Costal, et al., "Experimental Production of Cerebral Hypothermia by Ventricular Perfusion Techniques", J. Neurosurg, 20:112 (1963).						
EXAMINER				DATE CONSIDERED			